

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 19, 2007

DEPARTMENT: **PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: RQR-25665 - APPLICANT: MOON VALLEY NURSERY -
OWNER: AMERICAN GEAR REDUCTION, INC/WYCOFF NEWBERG CORP

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all conditions of approval of Site Development Plan Review (SDR-12175) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Three Month Review of an approved Site Development Plan Review (SDR-12175) for outdoor storage/sales and a waiver of the perimeter landscape requirements on 5.22 acres at 7215 and 7275 Tule Springs Road.

It is noted that a related Required Review (RQR-25668) shall be heard concurrently with this item.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/22/04	The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-3410) for a proposed temporary garden supply facility adjacent to the west side of the intersection of Tule Springs Road and Sunny Springs Lane.
06/21/06	The City Council approved a Site Development Plan Review (SDR-12175) for Outdoor Storage/Sales and a waiver of the perimeter landscape requirements and a Special Use Permit (SUP-12177) for proposed outdoor storage/sales within Town Center on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road.
11/29/07	A site inspection was conducted and photographs were taken. It was noted that the illegal signage and materials were moved to the parcel under the jurisdiction of Clark County.
11/30/07	Civil Plans (L-CIVIL-25813) were submitted to staff. At the time of this report the Civil Plans have not been reviewed by Land Development staff.
<i>Related Building Permits/Business Licenses</i>	
06/29/07	A permit for an ornamental iron fence at this location was submitted to staff for review. The Planning and Building Departments have approved the permit. The Land Development Department denied the request due to a lack of a completed drainage study or civil plans submittal on 07/09/07.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.22

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nursery	SC-TC (Service Commercial)	T-C (Town Center)
North	Nursery	Clark County	T-C (Town Center)
South	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way
East	Single Family Residential	MLA-TC (Medium Low Attached Density Residential)	T-C (Town Center)
West	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second review of the proposed project. Since the previous review on 09/19/07 the applicant has not made significant progress on the proposed project. It is noted that Civil Plans (L-CIVIL-25813) were submitted to staff on 11/30/07; however, at the time of this report they have not been approved for review. A site inspection was conducted by staff on 11/29/07. The results of the inspection found that what the applicant has done is move the illegal signage and containers to the parcel that is under the jurisdiction of Clark County. The applicant has also installed a banner sign on the chain link fence that indicates where the jurisdictional boundary is. Civil Plans were submitted for review on 11/30/07. At the time of this report these plans have not been reviewed. No additional progress has been made toward the completion of the proposed project. Due to the applicants failure to comply with the conditions of approval of the original application denial of this request is recommended.

The following reflect the current state regarding the conditions of approval as of the site inspection and results found on 11/30/07:

SDR-12175

Condition of Approval	Current Standing
1. This approval shall be subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.	One year review was completed on 09/19/07. A 90 day review was required. This application satisfies that requirement.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/26/06, except as amended by conditions herein.	No new development has occurred on this site.
3. Garden tools, supplies, fertilizer, and non-living material shall be stored only within an enclosed building or other area screened from view from any abutting streets or adjacent residential property.	Supplies are stored in a central area of the site under a tent, on the parcel that is governed by Clark County. This tent is not visible from adjacent residential properties but is visible from US-95.
4. Perimeter walls consisting of wrought iron panels with pilasters shall be constructed around the perimeter of the site by the applicant.	Applicant has not constructed required perimeter wall. Chain-link fence still surrounds the property.
5. No temporary construction dumpsters nor storage containers shall be allowed on site.	No construction dumpsters were noted on property governed by the City of Las Vegas.
6. A Waiver from Town Center Landscape Standards is hereby approved, to allow six feet of perimeter landscape area where 15 feet is required, to allow no trees in the parking area where 14 are required, and to allow two percent of open space where 20% is required.	No perimeter landscape has been installed. The parking lot shown on site plan stamped 04/26/06 has not been constructed.
7. No banners or temporary signs shall be placed on any perimeter walls or fences.	All banners, temporary signs, and trailers have been moved to the parcel that is governed by Clark County.
8. The applicant shall apply for a City of Las Vegas Business License within ten (10) days from the date of final approval of this decision.	A business license was issued on 06/03/06 for Moon Valley Nursery at 7252 N. Rancho Drive. This business license is a T10 – Inter Jurisdictional Mobile Service Operation.
9. A technical landscape plan, signed and sealed by a registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.	No landscape plan has been submitted at this time. No landscape improvements have been done to the site.

10. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.	No landscape plan has been submitted at this time. No landscape improvements have been done to the site.
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.	No improvements have been performed.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.	No improvements have been performed.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.	No improvements have been performed.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.	Code requirements are not being met at this time as noted in this report.
15. Construct half-street improvements on Tule Springs Road adjacent to this site and construct a minimum of two lanes of pavement, west of centerline, north from this site to the northern boundary of the adjacent parcel to eliminate a sawtooth condition within 24 months of City Council approval. Appropriate plan submittals and permits shall be approved and obtained as required by Clark County and/or the Nevada Department of Transportation for any work within those jurisdictions. Install all appurtenant underground facilities, if any, adjacent to this site needed for future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public right-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.	No improvements have been performed.
16. Provide a copy of a recorded Joint access Agreement between all four parcels that comprise Moon Valley Nursery prior to issuance of any permits.	None noted on file.

17. The proposed driveway accessing Tule Springs Road through the adjacent property to the north (Assessor's parcel Number 125-17-802-005) should be designed, located and constructed in accordance with Standard Drawing #222A and shall be approved by the Nevada Department of Transportation and/or Clark County.	No improvements have been performed.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Tule Springs Road public right-of-way adjacent to this site prior to the issuance of any permits.	None noted on file.
19. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.	None noted on file.

FINDINGS

Civil Plans were submitted for review on 11/30/07. At the time of this report these plans have not been reviewed. No additional progress has been made toward the completion of the proposed project. Due to the applicants failure to comply with the conditions of approval of the original application denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 218

APPROVALS 0

PROTESTS 0